

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Fisher et al.	CONFIRMATION. NO.:	6505
SERIAL NO.:	10/579,513	GROUP ART UNIT:	Not Yet Assigned
FILED:	May 12, 2006	EXAMINER:	Not Yet Assigned
TITLE:	Deep Well Irrigation Pump		

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Commissioner for Patents
Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 C.F.R. § 1.47(a): Filing When an Inventor Cannot be Reached

On behalf of its client KickStart International, Inc., Goodwin Procter, LLP (“Goodwin Procter”) filed the above-referenced utility application, United States Serial No. 10/579,513 (“the ‘513 application”), in the United States Patent and Trademark Office (“USPTO”) on May 12, 2006, in the name of Martin J. Fisher, Lawrence E. Carlson, Ari T. Adler, Shilajeet Banerjee, Jonathon I. Kaplan, Christine M. Kurjan, Ben Tarbell, Opher Doron Yom-Tov, Robert Ian Lister, Alan Charles Syrbey, and Abdilkadir Mohammed Musa. On February 28, 2007, a Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office indicating that an executed oath or declaration needed to be submitted to the USPTO was mailed to Goodwin Procter by the USPTO. On May 18, 2007 Applicant filed a Petition Under 37 C.F.R. § 1.47(a): Filing When an Inventor Cannot be Reached along with declaration and power of attorney forms executed by Messrs. Fisher, Carlson, Adler, Banerjee, Kaplan, Tarbell, Yom-Tov, Lister, Syrbey and Ms. Kurjan. The Petition Under 37 C.F.R. § 1.47(a) requested the acceptance of the application without the signature of inventor Abdilkadir Mohammed Musa. Assignee, KickStart International, Inc. (“KickStart”), had made repeated attempts to contact Mr.

Musa and obtain the executed declaration and power of attorney from him, but as of May 18, 2007, KickStart had been unable to reach Mr. Musa.

On August 27, 2007, a Decision on Renewed Petition Under 37 C.F.R. § 1.47(a) was issued by the PCT Legal Office, dismissing the Petition Under 37 C.F.R. § 1.47(a) without prejudice.¹

The Decision stated that a petition under 37 C.F.R. § 1.47(a) must be accompanied by (1) the fee under 37 C.F.R. § 1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

In the Decision, Item (1) was found to have been satisfied.

The Decision found that Item (2) however, was not satisfied. Mr. Musa, however, has since been located and has signed the declaration, a copy of which is submitted along with this Renewed Petition.

With respect to Item (3), the Decision mistakenly stated that the non-signing inventor's last known address had not been provided. Mr. Musa's last known address, which was provided previously in the original Petition Under 37 C.F.R. § 1.47(a), is: PO Box 10973, Nairobi, Kenya.

With regard to Item (4), the Decision found that the declaration was not executed by all the joint inventors. Specifically, Mohammed Swaleh, who is identified as an inventor in the published international application (PCT/US04/38130) was not identified as an inventor on the declaration which was submitted in the '513 application.

Petitioner wishes to remove Mr. Swaleh as an inventor in the '513 application. In a telephone conversation with the PCT Help Desk on October 18, 2007, Petitioner was advised that in order to make a change in the inventive entity of the '513 application, Petitioner must fulfill the requirements set forth in 37 C.F.R. § 1.497(d).

37 C.F.R. § 1.497(d) requires (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part, (2) the

¹ Petitioner notes that the reference to the "Renewed Petition" in the Decision seems to be in error, since only a single petition was filed.

processing fee set forth in § 1.17(i), (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter, and (4) any new oath or declaration required by paragraph (f) of this section.

Accordingly, Petitioner has enclosed a statement from Mr. Swaleh according to requirement (1) (please see attached Statement Under 37 C.F.R. § 1.497(d)(1)). Petitioner has also included a check in the amount of \$130.00 to fulfill the processing fee according to requirement (2). Also enclosed is a statement from Mr. Martin Fisher, an authorized representative of KickStart International, Inc. according to requirement (3) (please see attached Written Consent of Assignee Under 37 C.F.R. § 1.497(d)(3)). The copy of the declaration signed by Mr. Abdilkadir Mohammed Musa submitted herewith, along with the declaration filed on May 18, 2007 lists the correct inventive entity; therefore satisfying requirement (4). Petitioner respectfully submits that all requirements under C.F.R. § 1.497(d) have now been met, and requests that Mr. Swaleh accordingly be removed as an inventor of this application.

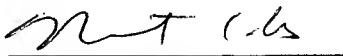
In view of the fact that Mr. Musa has now been reached, and a copy of the declaration signed by him is submitted herewith, it is respectfully petitioned that the filing requirements for the '513 application be considered fulfilled.

Please charge Deposit Account No. 107-1700 \$130.00 for the fee associated with the change of inventive entity under 37 C.F.R. § 1.497(d)(2) and \$60.00 for the fee associated with the one-month extension of time under 37 C.F.R. 1.136(a). No additional fees are believed to be due; however, in the event that any additional fees are due, please charge such fees to Deposit Account No. 07-1700.

Respectfully submitted,

Date: November 27, 2007
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